



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CH₂O, INC.,

Plaintiff,

v.

MERAS ENGINEERING, INC.;
HOUWELING'S NURSERIES
OXNARD, INC.; HNL HOLDINGS
LTD.; HOUWELING UTAH
OPERATIONS, INC.; and
HOUWELING'S NURSERIES LTD.,

Defendants.

Case No. CV-13-8418 JAK (GJSx)

VERDICT

Hon. John A. Kronstadt

VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

FINDINGS ON INFRINGEMENT

A. Direct and Literal Infringement

1. Did CH₂O prove, by a preponderance of the evidence, that defendants Meras Engineering, Inc., Houweling's Nurseries Oxnard, Inc.; HNL Holdings Ltd.; Houweling Utah Operations, Inc.; and/or Houweling's Nurseries Ltd. (collectively "defendants") directly and literally infringed claims 1, 2, and/or 7 of U.S. Patent No. 6,767,470 ("the '470 patent")?

"YES" is a finding for CH₂O (plaintiff)

"NO" is a finding for Meras and the Houweling's entities (defendants)

Independent Claim 1: Yes X No

Dependent Claim 2: Yes X No

Dependent Claim 7: Yes X No

VERDICT

B. Induced Infringement

2. Did CH₂O prove, by a preponderance of the evidence, that Meras has induced Houweling's to infringe claims 1, 2, and/or 7 of the '470 patent?

"YES" is a finding for CH₂O (plaintiff)

"NO" is a finding for Meras (defendant)

Independent Claim 1: Yes X No _____

Dependent Claim 2: Yes X No _____

Dependent Claim 7: Yes X No _____

C. Willful Infringement

3. Did CH₂O prove, by a preponderance of the evidence, that the defendants' infringement was willful?

Yes X No _____

"YES" is a finding for CH₂O (plaintiff)

"NO" is a finding for Meras and the Houweling's entities (defendants)

FINDINGS ON INVALIDITY DEFENSES

(The questions regarding invalidity should be answered regardless of your findings with respect to infringement.)

D. Enablement

4. Have Defendants proven, by clear and convincing evidence, that the specification of the '470 Patent does not contain a description of the claimed invention that is sufficiently full and clear to enable persons of ordinary skill in the field to make and use the invention?

Yes _____ No X

Note the following change:

"NO" is a finding for CH₂O (plaintiff)

"YES" is a finding for Meras and the Houweling's entities (defendants)

E. Written Description Requirement

5. Have Defendants proven, by clear and convincing evidence, that the specification of the '470 Patent does not contain an adequate written description of the claimed invention?

Yes _____ No X

Note the following change:

"NO" is a finding for CH₂O (plaintiff)

"YES" is a finding for Meras and the Houweling's entities (defendants)

VERDICT

FINDINGS ON DAMAGES

If you find that at least one of claims 1, 2, or 7 is infringed by Meras and/or Houweling's (answered "yes" to any part of questions 1 or 2), and if you also find that any such infringed claim is also valid (answered "no" to questions 4 and 5), then proceed to answer the remaining question.

6. What amount of damages do you award to CH₂O for the infringement by defendants?

\$ \$12.5 million
(\$12,500,000.00)

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the court personnel that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: Sept. 6th, 2016

By: 

VERDICT